

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

JAMES JEROME MORRISON, JR.,

Plaintiff,

vs.

CARISSA LYNN-KOPP, SUSAN F.  
CARROLL, KURT KRUEGER,  
SAMM COX, CHRISTOPHER E.  
QUIGLEY, CIANA DALE, KARA  
RICHARDSON, BRAD NEWMAN,  
MARK VUCUROVICH, MICHAEL  
ANDERSON, and WALTER M.  
HENNESSEY,

Defendants.

**CV-17-35-BU-BMM-JCL**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

Plaintiff James Jerome Morrison, Jr. filed a Complaint presenting allegations regarding Defendants' actions that occurred during: (1) criminal proceedings against Morrison; and (2) hearings conducted by the Montana Department of Family Services relative to his parental rights of his daughter. (Doc. 2 at 8.) Morrison alleges that Defendants used false, fabricated, coerced, and erroneous information against him in each referenced proceeding. *Id.*

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendations in this matter on March 21, 2018. (Doc. 14.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Lynch's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Court stayed Morrison's allegations and claims regarding his parental rights proceedings on December 7, 2017, until the state court proceedings were completed. (Doc. 11 at 4-5.) Morrison's allegations sought monetary damages. *Id.* Morrison filed a Notice regarding completion of his state court proceedings on March 5, 2018. (Doc. 13.) The Montana Supreme Court dismissed Morrison's appeal regarding his parental rights and custody of his daughter on December 28, 2017. *Id.* at 6. Likewise, the Montana Supreme Court dismissed the appeal regarding his criminal proceedings on February 14, 2018. *Id.* at 4.

Judge Lynch determined that any of Morrison's claims regarding the termination of his parental rights are barred by res judicata and should be dismissed. (Doc. 14 at 3.) The doctrine of res judicata provides that a "final judgment on the merit bars further claims by parties or their privies based on the

same cause of action.” *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Reg’l Planning Agency*, 322 F.3d 1064, 1077 (9th Cir. 2003).

Judge Lynch correctly determined that the elements of res judicata are satisfied in this matter. (Doc. 14 at 4.) Morrison attempts to re-litigate claims that he asserted, or could have asserted, in his state parental rights case. *Id.* This case and Morrison’s state parental rights case share the same subject matter. *Id.* The issues presented in both cases remain the same. *Id.* The capacities of the parties in both cases remain the same. *Id.* Finally, the Montana Supreme Court entered a final judgment on the merits in Morrison’s state parental rights case. *Id.* Morrison’s claims regarding his parental rights are barred by res judicata. This matter shall be dismissed.

The Court has reviewed Judge Lynch’s Findings and Recommendations for clear error. The Court finds no error in Judge Lynch’s Findings and Recommendations, and adopts them in full.

**IT IS ORDERED** that Judge Lynch’s Findings and Recommendations (Doc. 14), are **ADOPTED IN FULL**.

**IT IS ORDERED** that this matter shall be **DISMISSED**. The Clerk of Court shall close this matter and enter judgment in favor of Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure.

**IT IS FURTHER ORDERED** that the Clerk of Court shall have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision will not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain the instant Complaint lacks arguable substance in law or fact.

DATED this 19th day of April, 2018.



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Brian Morris  
United States District Court Judge